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Attorneys for Montana Department of Commerce

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FORT HARRISON VETERANS
RESIDENCES, LP,

Plaintiff,

v.

MONTANA DEPARTMENT OF
COMMERCE, in its official
capacity and as a federally
designated public housing agency,

Defendant.

Case 6:24-CV-00037-BMM-KLD

**MOTION TO DISMISS FOR
FAILURE TO JOIN
INDISPENSABLE PARTY**

Defendant Montana Department of Commerce (“MDOC”) moves the Court for its order dismissing the Plaintiff’s Complaint for failure to join the United States Department of Housing and Urban Development (“HUD”) as an indispensable party defendant, under Federal Rules of Civil Procedure

12(b)(7) and 19. In the alternative, MDOC requests Plaintiff be permitted to amend its Complaint to include HUD as a party defendant.

The grounds for this motion are that MDOC will be subject to multiple and conflicting obligations unless HUD is a party defendant. This motion is supported by a brief in support and the Declaration of Cheryl Cohen, which are contemporaneously filed. Opposing counsel was contacted and objects to this motion.

DATED this 2nd day of July, 2024.

JACKSON, MURDO, & GRANT, PC

By: 

Michael P. Talia
*Attorneys for Montana Department of
Commerce*

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served on the following using the court's CM/ECF system on the 2nd day of July, 2024.

Jeffrey M. Roth
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